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OFFICE OF PETITIONS

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|------------------------------|---|-------------------|
| In re Application of | : | |
| Adam William Saxler, et al. | : | |
| Application No. 10/617,843 | : | DECISION GRANTING |
| Filed: July 11, 2003 | : | PETITION |
| Attorney Docket No. 5308-248 | : | |

This is a decision on the petition filed September 10, 2003, requesting that the above-identified application be accorded a filing date of July 11, 2003, rather than the presently accorded date of July 14 2003. The petition is properly treated as a petition under 37 CFR 1.10(c).

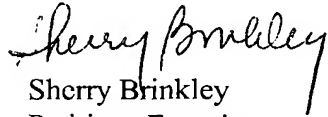
The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on July 11, 2003. In support, the petition is accompanied by a copy of Express Mail receipt No. EV353610072US. It is noted that while the handwritten "date-in" marking on the "Express Mail" mailing label in question omitted by the USPS, the label includes an official USPS notation in the form of a USPS receipt stamp dated July 11, 2003. The same "Express Mail" receipt number appears on the original Application Transmittal Letter, which includes a statement of express mailing dated July 11, 2003.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on July 11, 2003.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of July 11, 2003**. Thereafter, the application file will be forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries concerning this matter may be directed to Marianne Morgan at (703) 306-3475.

A handwritten signature in black ink, appearing to read "Sherry Brinkley". The signature is written in a cursive, flowing style.

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy